

**Washington State Human Rights Commission  
Minutes of June 22-23, 2006  
Pasco, WA**

June 22, 2006  
Columbia Basin College

**Attendance**

**Commissioners:** Kathy Baros Friedt, Commission Chair; Ellis Casson; Jerry Hebert; Dallas Barnes; and Deborah Sioux Lee.

**Staff:** Marc Brenman, Executive Director; Tanya Calahan, Executive Assistant to the Commissioners; Sharon Ortiz, Operations Manager; and S. Juanita Soto, Civil Rights Specialist.

**Guests:** Noemi Ortega, WA Migrant Council; Heidi Adielia Stanton, WSU; Joyce Olson, Mayor of Pasco; Glen Dunham, Gloria Dunham; Stephanie Dewey and Terry Walsh, City of Kennewick; Lozie Barnes; Graciela Alcazar and Constanza Sandoval, Teamsters; Javier Barajas and Megan Stein, ADRS; Gracie Valle, Pasco School District; Homero Tomez, Hispanic Chamber of Commerce; Bob Vizzini, Patricia Guemero, Mr. & Mrs. H. Brooks, Belinda McNabb; Paula Bazinet; and Tina Simpkin, Southeast Washington Center for the Deaf and Hard of Hearing; Toure Bourama, Mary Gutierrez, and Aissata Sidibe, Columbia Basin College; Stephanie Green, United Steelworkers; Emmitt Ray Jackson; CJ Mitchell; Ruvine Jimenez, Benton Franklin Community Action Committee; Crystal Bates, Tyson Foods; Jerry Bazinett; Alejandra Pasaye, United Farmworkers; Matt Galbraith; Kathy Miller; City of Richland; Yvonne Lopez Morton; and Gabriel Portugal

**OPENING AND WELCOME**

*(The forum was audio recorded digitally)*

Commissioner Baros Friedt called the forum to order at 7:17 p.m. She welcomed everyone and introduced the Commissioners, Executive Director Marc Brenman. She also introduced Joyce Olson, Mayor of Pasco, Oscar Cerda from Governor Gregoire's office, and City of Kennewick and City of Richland staff members.

Commissioner Baros Friedt said words about Commissioner Dallas Barnes of Pasco. His term will end in June 2006. She spoke about Commissioner Barnes' accomplishments, including his involvement in civil rights field. Commissioner Barnes has a rich history in

Pasco. Commissioners Casson, Lee, and Hebert and Executive Director Marc Brenman expressed their appreciation for Commissioner Barnes' contributions to the agency. Operations Manager Sharon Ortiz shared a humorous story about Commissioner Barnes. Executive Assistant Tanya Calahan expressed appreciation and thanks to Commissioner Barnes for his support and encouragement over the years.

Commissioner Baros Friedt presented a plaque to Commissioner Barnes for his five years of service and contributions as a Commissioner. Commissioner Barnes thanked everyone for coming to the meeting

### **PUBLIC FORUM**

Joyce Olson, Mayor of Pasco welcomed the Commissioners and staff to Pasco.

Oscar Cerda of Governor Gregoire's office spoke next. He shared information about the work that he does for Governor Gregoire..

Executive Director Marc Brenman commented about the jurisdiction of the Washington State Human Rights Commission (WSHRC), including the new sexual orientation and gender identity discrimination. He noted the agency's toll free number and shared that the agency now takes complaints online.

Yvonne Lopez Morton of the WA State Commission on Hispanic Affairs (CHA) spoke next. WSHRC is one of her support systems. She spoke about immigration and the controversies surrounding the issue. She introduced Commissioner Gabriel Portugal of CHA and former Commissioner Homero Tomez.

Through an American Sign Language Interpreter, Bob Vizzini of the Southeast Washington Service Center for the Deaf and Hard of Hearing (SEWSCDHH) spoke about issues facing individuals that are deaf and hard of hearing. There are extensive problems in the court system. He spoke of handcuffing persons who are deaf, which makes signing clearly difficult. He gave examples of jails denying individuals the use of TTY machines while incarcerated. One person had to wait eight hours and couldn't contact their attorney in a timely manner. He also spoke about the lack of bilingual certified court interpreters.

Mr. Vizzini will be a deaf program specialist still working at SEWSCDHH when Paula Bazinet steps in as Executive Director of the agency.

There was discussion about WSHRC's jurisdiction in jails. Marc Brenman suggested that individuals contact WSHRC when in doubt.

Alejandra Pasaye of the United Farm Workers Union spoke about discrimination issues facing farm workers. Problems include sexual harassment against women. She spoke about a potato grower that won't hire women at all. There have been private settlements though of \$225,000. She gave an example of twenty five individuals that share one two-bedroom home and pay \$200 per person per month in Sunnyside. These workers are undocumented and are constantly threatened with deportation and termination if they

complain. People are fearful to speak out. Being undocumented is the biggest hurdle and individuals are victimized because of this.

She spoke about employers' fear of women becoming pregnant so they are not hired or employers say that they don't have light duty available.

Meagan Stein and Javier Barajas of the Washington State Grange spoke about a new mediation program. They provide mediation services between farm workers and farmers. The program was set up to try to create an environment where individuals come to the table voluntarily. In some cases mediation won't work but there's also a perception that only using the 'legal' system, only through litigation is the only way. Having an attorney is not a prerequisite to participate in mediation.

Homero Tomez, Executive Director of the Hispanic Chamber of Commerce spoke next. His organization provides support to 215 members who are small business owners. They talk about business opportunities in the Pasco area at their meetings. On July 16, 2006 at Sacagawea Park there will be an event to help people get back into the parks. Individuals stopped going after the police started issuing DUI's for drinking in the park.

Glen Dunham spoke about education for deaf kids. He adopted a daughter who is deaf when she was five. He stated that education for deaf children is lacking. He recommended a panel of three people; including a deaf advocate and a certified interpreter to address learning opportunities for deaf children in schools.

Noemi Ortega of the Migrant Council spoke. She shared information about her organization. She shared that the Washington State Employment Security Department is looking for 100 workers that are unaccounted for; probably because of immigration issues.

Ruvine Jiménez of the Benton Franklin Community Action Council thanked WSHRC and the deaf community for participating in the forum and airing issues.

The Commissioners gave closing comments and thanked everyone in attendance.

There being no further business, the meeting adjourned at 9:35 p.m.

Respectfully submitted,

Tanya Y. Calahan  
Executive Assistant to the Commissioners

Friday, June 23, 2006  
Columbia Basin College

### **ATTENDANCE**

**Commissioners:** Kathy Baros Friedt, Commission Chair; Ellis Casson; Dallas Barnes; Deborah Sioux Lee; and Jerry Hebert. A quorum was present.

**Staff:** Marc Brenman, Executive Director; Tanya Calahan, Executive Assistant to the Commissioners; Sharon Ortiz, Operations Manager; and S. Juanita Soto, Civil Rights Investigator.

**Guests:** Yvonne Lopez Morton, Commission on Hispanic Affairs.

*(The business meeting was audio recorded digitally)*

### **OPENING AND WELCOME**

Commissioner Baros Friedt called the meeting to order 9:03 a.m.

### **APPROVAL OF MINUTES**

The Commissioners considered the minutes of the May 25-26, 2006 meeting. Commissioner Lee requested a correction to the minutes under case closures: change "Commissioner Lee abstained" to "Commissioner Lee recused" herself on the Romo v. SEFNCO Communications/Washington Employers Inc. case. Commissioner Hebert made a motion to approve the minutes with this correction. Commissioner Lee seconded the motion. MOTION CARRIED.

### **CASE CLOSURES**

Commissioner Hebert made a motion to approve case closures. Commissioner Lee seconded the motion. MOTION CARRIED.

### **ACTION ITEM REVIEW**

Kathy Baros Friedt reviewed the action items from the May 25-26, 2006 meetings.

Sharon Ortiz reported the reinstatement of members to LIDWAC.

Marc Brenman reported that WSHRC will transfer \$5000 to the Governor's Committee on Disability Issues and Employment on a one time basis. Commissioner Hebert asked about the status of GCDE permanent funding solution. They still do not have permanent funding. Their funding comes from other state agencies and grants.

Commissioner Hebert commented about July 27, 2006 public forum. Program Specialist Seth Kirby is doing an excellent job coordinating speakers. Commissioner Hebert asked

that the Commissioners and staff arrive around 2 p.m. to Silverdale for an event at his home.

They next discussed the handcuffing issue in Kent, which is a two year old issue. Community Leader Claudia Kauffman Red Morning Star is concerned about the issue of the school still using handcuffs when they agreed to stop using them. Marc Brenman commented that this is an issue that the NAACP should take up not WSHRC. Commissioner Casson will speak with Lacey Steele, Past President of NAACP to determine if the handcuffing issue is one that the NAACP plans to take on.

Thanks to Susan Frary from the Spokane Office for her assistance with logistics for the public forums in Eastern Washington.

### **PUBLIC FORUM ACTION ITEMS**

The Commissioners and Marc Brenman discussed follow up items from the public forum.

Marc Brenman suggested using the Washington Association of Police Chiefs and Sheriffs (WASPC) as a resource and sending them a cover letter with Access to Justice recommendations and ask them to distribute the information to their members. Commissioner Hebert suggested emphasizing that the same interpreter is not appropriate in all settings like legal settings vs. interpreting in a medical environment. Mr. Brenman knows a deaf attorney at the Department of Justice and will get solicit his advice about the comments received at public forum from the deaf community.

Deborah Lee suggested using the Red Cross Language Bank for interpreters.

Yvonne Lopez Morton commented that the Commission on Hispanic Affairs is coordinating a Language Summit in Spokane. She requested that WSHRC participate. People in the legal field, law enforcement, state and local government, schools and medical field will be involved. They're planning the event for late fall. There's special difficulty accommodating monolingual Spanish speaking deaf individuals.

Sharon Ortiz suggested that the colleges institute a two year certification board for monolingual sign language interpreters. Commissioner Barnes suggested contacting a college directly like Columbia Basin College. Interpreters are in high demand.

The Commissioners discussed how to address the issue of 25 people living in a two bedroom house without jeopardizing the farm workers. Alejandra Pasaye of the United Farm Workers Union spoke about this during the public forum. There is a possibility that a contractor is the "middle man" collecting the funds, without the property owners' knowledge. There was discussion about going to County Commissioners to see what health standards are and sending them a letter. Commissioner Casson commented that at forums, the Commissioners only hear one side of the story.

### **CASE CLOSURES**

Deborah Lee asked about Walter Clark v. Magnum Energy. The Commissioners approved the finding but staff should rewrite it to make it clearer before sending it to the parties.

The Commissioners discussed the Young v. Museum of Flight no reasonable cause finding. They pulled the case from the agenda so staff can at Respondent's evaluation of complainant's museum experience.

Commissioner Hebert then made a motion to approve the cases with the pulled case and amendment. Commissioner Casson seconded the motion. MOTION CARRIED.

### **REPORT FROM THE CHAIR**

Commissioner Baros Friedt handed out information about the National Socialist Movement. They plan to have a rally in Olympia on July 3, 2006. She spoke about Unity in the Community events to counteract the hate activity. Each affected city; Olympia, Lacey, and Tumwater issued proclamations. The Working Group interviewed Commissioner Baros Friedt. They produced the "Not in Our Town" video. The Olympian has been supportive and provided free ad space for Unity in the Community events.

Sharon Ortiz suggested a strategy of having a separate event away from Neo Nazi activity to draw attention elsewhere.

Commissioner Lee shared an experience of her fifth grade daughter's teacher that read the newspaper for current events and shared a Unity in the Community article with the class for discussion.

David Amonds of TVW interviewed Commissioner Baros Friedt and Marc Brenman recently about the WSHRC. It will air starting June 23, 2006.

### **MONTHLY BUDGET AND CASE PRODUCTION REPORTS**

Marc Brenman distributed HUD and EEOC case production reports to the Commissioners.

Commissioner Hebert asked if the agency is using case statistics data to justify decision packages for more investigators. Marc Brenman responded that it is. The agency does need more investigators. Operations Manager Ortiz shared that her investigative staff has 75+ cases each. She also commented about the success of alternative dispute resolution (ADR). Discussion continued about ADR. There is less paperwork for ADR, especially housing complaints.

Les Smith prepared a chart by charge type for pending cases. He had to hand count the items because of limited capabilities of the current complaint database. Commissioner Hebert requested a chart of reasonable cause findings that shows the types of closures.

Commissioner Baros Friedt requested a chart that highlights positive case results clustered on one report.

Commissioner Barnes asked if there have been any reasonable cause race cases recently. There was one hotel case and two national origin cases that recently settled for \$13,000 per case.

### **EXECUTIVE DIRECTOR REPORT**

The budget is positive by about \$30,000. Agency staff hadn't anticipated the departure of Operations Manager Jerry Lee to leave so savings from his salary and benefits was realized. The agency won't have to return all of its unused money; some of it can be used as savings incentives money.

Management is working to figure out how to obtain permanent funds to hire more investigators. The budget surplus is being used for anticipated expenses like information technology and supplies.

Program Specialist Seth Kirby was hired with funds from the Legislature for the new sexual orientation jurisdiction. The agency will issue a press release announcing when the WSHRC will be in Vancouver one day per week. Earl Ford of the NAACP asked for a joint press release. The lease for the Vancouver office space is only \$65 per month.

Commissioner Casson expressed concern about the NAACP and others from the community dictating to the staff in Vancouver what work they need to do.

Dee Endelman is interviewing staff as follow up to the employee survey. The agency is paying Ms. Endelman under \$4000. Commissioner Barnes requested some type of written report after her work is completed.

Juanita Soto commented about the Sexual Orientation training recently provided to staff. Commissioner Hebert commented about the need to discuss sensitivity issues with staff so they can deal properly with transgender issues. He has concern about the agency's ability to deal with transgender complaints. People can make assumptions.

Sharon Ortiz stated that she has full confidence that her staff does a good job and will be fair and unbiased when investigating transgender cases. Staff should be given more credit.

### **RECONSIDERATIONS**

**Cotton v. Cline.** Operations Manager Sharon Ortiz provided a summary of the case. Staff recommended that the Commissioners grant reconsideration based on a misapplication of the law while calculating jurisdictional time limit for filing the complaint. Commissioner Hebert made a motion to grant reconsideration. Commissioner Casson seconded the motion. MOTION CARRIED.

### **UNFINISHED BUSINESS**

The Commissioners considered the draft Commissioner Travel and Payroll Policy.

Commissioner Hebert suggested additional language that the chair will also apprise fellow commissioners of travel outside of regularly scheduled commission meetings. Commissioner Hebert requested an appeal process beyond the chairperson if the chairperson denies compensation.

Commissioner Hebert made a motion to accept the policy as amended. Staff will research the appeal process issue. Commissioner Lee seconded the motion. Commissioner Barnes abstained. Commissioner Casson voted no. MOTION CARRIED.

### **NEW BUSINESS**

The Commissioners shared information about their activities for June 2006 and upcoming events.

Commissioner Barnes spoke at Pasco Hispanic Chamber of Commerce.

Kathy Baros Friedt reported on the Association of Washington Cities Diversity Awards. Vancouver won. She conducted alternative dispute resolution training for agency staff.

Deborah Lee spoke to the general manager of the Makah Tribe who wants to have WSHRC conduct training for them.

### **EXECUTIVE SESSION**

The Commissioners entered executive session to evaluate the performance of a public employee at 3:18 p.m. The regular meeting reconvened at 6:07 p.m.

### **ACTION ITEM REVIEW**

Tanya Calahan review action items from the June 22, 2006 public forum and June 23, 2006 business meeting.

There being no further business, the meeting then adjourned at 6:07 p.m.

Respectfully submitted,

Tanya Y. Calahan  
Executive Assistant to the Commissioner



**Public Forum  
Action Items  
As of June 22, 2006**

1. Staff will research public assistance statistics in Washington State to obtain real numbers regarding minority public assistance recipients. (April 06)

**Status:** Deputy Director Idolina Reta is working on a draft. Staff posted immigrant statistics on the agency's website.

2. Staff will duplicate the immigration themed DVD titled "Walking the Line" obtained at the April 27, 2006 public forum and distribute it to the Commissioners, as permitted by the DVD producers. (April 06)

**Status:** Information Technology Manager Tim Reynolds is actively working to resolve a software problem so he can duplicate the DVD.

3. Marley Eichstaedt of NW Fair Housing Alliance will provide HUD Native American testing data to WSHRC to post on WSHRC's website. (May 06)

**Status:** Marc Brenman will contact Ms. Eichstaedt about this item.

4. Make an inquiry into the Governor's Office's protocol of responding to emails from constituents. (May 06)

**Status:** Marc Brenman and/or Deputy Director Idolina Reta will follow up on this item.

5. Marc Brenman suggested using Washington Association of Police Chiefs and Sheriffs as a resource and sending them a cover letter with Access to Justice recommendations and ask them to distribute the information to their members. Commissioner Hebert suggested emphasizing that same interpreter is not appropriate in all settings like legal settings vs. medical services. (June 06)

**Status:**

6. Marc Brenman knows a deaf attorney at Department of Justice and will get his advice about the comments received at public forum from the deaf community. (June 06)

**Status:**

7. Agency staff will keep in touch with Javier Barajas of the Agricultural Mediation Program regarding how the program is working. This will also be done as part of a Memorandum of Understanding. (June 06)

**Status:** Staff have identified cases that are ready to go to the Agricultural Mediation Program.

**Commission Meeting  
Action Items  
As of June 23, 2006**

8. Marc Brenman will report on his meeting with the new Chief Administrative Law Judge, Roosevelt Currie of the Office of Administrative Hearings in an upcoming Executive Director Report.  
(April 06)

**Status:** Mr. Brenman met with Judge Currie on July 18, 2006.

9. Staff will research the Matthews v. Delancy case further regarding the alleged discriminatory statements about African Americans and females. (April 06)

**Status:** Staff will ask the agency's Assistant Attorney General to conduct research on the general issues relating to this case.

10. The Executive Director will outline when in-person investigations are particularly advised. (March 06)

**Status:** The ED drafted documents which the Operations Managers and Deputy Director are currently reviewing.

11. Include on WSHRC website information for referring people to the US Department of Education, Office of Civil Rights regarding overlapping jurisdiction on charges within schools. (March 06)

**Status:** Not done yet.

12. Executive Director Marc Brenman will clarify the distinctions between whistleblower complaint jurisdiction under the State Auditor vs. whistleblower retaliation under the Washington Law Against Discrimination. (March 06).

**Status:** Deputy Director Idolina is working on a draft.

13. Marc Brenman will check on the status of updates for HIV/Aids Outreach materials. (May 06)

**Status:** Staff is actively working to update all agency outreach materials.

14. Send the Commissioners the Sexual Orientation FAQ when ready. (May 06)

**Status:** Mr. Brenman provided updated FAQ's to the Commissioners on July 20, 2006.

15. Commissioner Hebert is taking the lead on planning the public forum on the new sexual orientation jurisdiction in Silverdale on July 27, 2006. (May 06)

**Status:** Forum is scheduled.

16. Marc Brenman will check with the ACLU and Kent community leader Claudia Kauffman Red Morning Star regarding the status of the student handcuffing issue in Kent. (May 06)

**Status:** Mr. Brenman will contact Ms. Red Morning Star after Commissioner Lee provides the contact information to him.

17. Send Commissioner Barnes a copy of the sign in sheet from Thursday, June 22, 2006 public meeting, as well as Commissioners Baros Friedt & Hebert. (June 06)

**Status:** Tanya Calahan will send this information the week of July 31, 2006.

18. Marc Brenman will send a cover letter to Small Tribes Organization of WA with a copy of the letter that was sent to United Indians regarding the tribal preference issue. Staff will also send a Technical Assistance Advisory to respondent in the Small Tribes Organization of Washington case. (June 06)

**Status:** Not completed yet.

19. Kathy Baros Friedt will follow up with Toby Olson on the survey conducted by Governor's Committee on Disability Issues and Employment regarding the need for GCDE as an organization. (June 06)

**Status:** Commissioner Baros Friedt obtained summary sheets from the survey conducted by GCDE. Tanya Calahan mailed these to the Commissioners on July 21, 2006.

20. Commissioner Casson will speak with Lacey Steele, Past President of NAACP regarding the handcuffing issue in Kent and if the NAACP plans to take any action. He will report the results of that meeting to Marc Brenman. (June 06)

**Status:** Commissioner Casson met with Lacey Steele, General Board member for NAACP regarding the handcuffing issue in Kent; who informed him that the families involved decided that they would go their own way with their own attorneys to handle the cases individually. Therefore, the NAACP did not pursue the issue further.

21. Commissioner Hebert requested a chart for reasonable cause closures by complaint type. (June 06)

**Status:** Marc Brenman provided copies at the July 28, 2006 meeting.

22. Commissioner Baros Friedt requested a report contains a chart with positive case results clustered in one category instead of several categories. (June 06)

**Status:** Marc Brenman provided copies at the July 28, 2006 meeting.

23. Staff will research whether there is an appeal process to RCW 43.03.250, Compensation of members of part-time boards and commissions-Class Four Groups, which gives authority to the chairperson to approve compensation. (June 06)

**Status:** Tanya Calahan checked with the Office of Financial Management and provided them a copy of the draft policy. There is no payroll appeal process in place pursuant to RCW 43.03.250.